

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES DAVID OFELDT,

Petitioner,

vs.

DIRECTOR, NEVADA DEPARTMENT
OF CORRECTIONS, et al.,

Respondents.

Case No. 3:10-cv-00646-LRH-VPC

ORDER


Before the court are petitioner's two motions for reconsideration (#73, #75), respondents' opposition (#95), and petitioner's reply (#96). The court denies the motions.

The court dismissed this action because it was untimely. Order (#71). More specific to the motions for reconsideration, the court found that equitable tolling due to petitioner's mental health was not warranted. Petitioner had not demonstrated that he had a mental impairment during the particular time that made it impossible for him to pursue post-conviction remedies in state court or habeas corpus remedies in this court. Id. at 8-9 (#71).

The court agrees with respondents. First, in support of the motions for reconsideration, petitioner has submitted many records of petitioner's mental health. This appears to be an improper attempt to supplement the court record after the court has ruled on the motion to dismiss (#52). The records were available, or should have been available, to petitioner before briefing completed on the motion to dismiss. Second, the records that petitioner presents now document petitioner's mental health years long before the relevant time for determining whether equitable tolling would be warranted. They would change nothing in the court's analysis.

1 IT IS THEREFORE ORDERED that petitioner's motions for reconsideration (#73, #75) are
2 **DENIED.**

3 DATED this 14th day of April, 2014.

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6 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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